



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,782	07/31/2001	Richard Arthur Bickers	30970032-1	1444

22429 7590 12/17/2003

LOWE HAUPTMAN GILMAN AND BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300 /310
ALEXANDRIA, VA 22314

EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT	PAPER NUMBER
----------	--------------

2177

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,782

Applicant(s)

BICKERS ET AL.

Examiner

Jean R. Homere

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 12/28/01 complies with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered IDS.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3. The abstract of the disclosure is objected to because it is not in narrative form and recites legal phraseologies (comprising). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in **narrative form** and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and **legal phraseology** often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The disclosure is objected to because of the following informalities: The specification is replete with typographical errors. A thorough revision of the specification is required.

Claim Objections

4. Claims 1-15 are objected to because of the following informalities: the term "centralised" should be spelled as -- centralized--. Similarly, the terms "utilising" and "minimising" should be spelled as --utilizing-- and --minimizing-- respectively. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shaath et al., (Shaath), US Patent No. 6,546,384.

As to claims 1 and 5, Shaath discloses a method for randomly accessing sequential data stored on a tape storage medium (col. 1, lines 11-14 et seq.) In particular, Shaath discloses the arrangement of a byte stream of data into a partitioned logical data (see fig. 3e-3h). Shaath also teaches the storage of index information to thereby indicate the position of information relating to the logical data in a reserve storage area located on the tape (col. 5, line 66- col. 6, line 4 et seq.) Further, Shaath teaches the transfer of index information from the reserve storage area on

Art Unit: 2177

the tape to the centralized area of the tape where the partitioned logical data is stored to thereby locate a target data upon request (col. 6, lines 35-50 et seq.)

As to claims 2, 7, Shaath teaches a the application of a search algorithm to the data position information to locate a target data (col. 6, lines 21-24 et seq.)

As to claim 3, Shaath teaches that the logical data includes records and filemarks indicating the position of the data stored on the tape (col. 6, lines 35-50 et seq.)

As to claims 4, 8, Shaath teaches that the centralized storage area is configured to store logical data position information relating to a plurality of selected logical groups (see figures 3a-3h et seq.)

As to claim 6, Shaath teaches a data storage configuration to minimize the time period for retrieving target data (col. 5, lines 7-17 et seq.)

As to claim 9, Shaath teaches the transfer of index information from the reserve storage area on the tape to the centralized area of the tape where the partitioned logical data is stored to thereby locate a target data upon request (col. 6, lines 35-50 et seq.)

7. The limitations of claims 10-18 have already been discussed in the rejection of claims 1-9 above. They are therefore rejected on the same grounds.

Art Unit: 2177

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

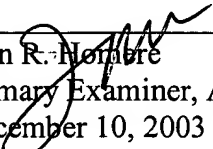
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homer whose telephone number is (703)-308-6647.

The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breen, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231, **or faxed to:** (703) 872-9306. Hand-delivered responses should be
brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist.)

Any inquiry of a general nature or relating to the status of this application should be directed to
the Group receptionist whose telephone number is (703) 305-3900.



Jean R. Homer
Primary Examiner, A.U. 2177
December 10, 2003